IN THE CLAIMS:

Claim 1 (Currently amended) An apparatus for automatically preparing a frozen confection, comprising:

a housing;

a receiving chamber pivotally attached to the housing, the receiving chamber being configured to mix and dispense the frozen confection;

an auger rotatably mounted in the housing to enter the receiving chamber and mix the confection with rotational motion, the auger being movable by vertical motion between a first elevated position and a second lowered position in the receiving chamber;

a safety shield movably mounted to said housing in a safeguard position adjacent to said auger to shield an operator from contacting the auger in said second lowered position during operation of the apparatus; [[and]]

means for generating a rotation inhibition command signal when said receiving chamber is not in an upright, non-pivoted position, or said safety shield is not in said safeguard position, or said auger is not in said second lowered position; and

an electronic control system for controlling the vertical and rotational motion of the auger, said electronic control system receiving said rotation inhibition command signal, and said electronic control system being operative to inhibit rotation of said auger in response to said rotation inhibition command signal.

Claim 2 (Original) The apparatus of claim 1, wherein the auger is adjustably mounted to the housing.

Claim 3 (Original) The apparatus of claim 1, wherein the electronic control system controls a drive motor that rotates the auger.

Claim 4 (Original) The apparatus of claim 1, wherein the electronic control system is programmed to operate the drive motor for a predetermined time and speed.

Claim 5 (Currently amended) The apparatus of claim 1, further comprising:

~~a safety control system which inhibits the auger control system if the safety shield is not in said safeguard position~~ means for generating a rotation command signal when said receiving chamber is in an upright, non-pivoted position, and said safety shield is in said safeguard position, and said auger is in said second lowered position; said electronic control system receiving said rotation command signal, and said electronic control system being enabled to initiate rotation of said auger in response to said rotation command signal.

Claim 6 (Currently amended) An apparatus for preparing a frozen dessert product, comprising:

a housing attached to a mountable base, the base being configured to support the housing;

a receiving chamber pivotally attached to the housing;

an auger rotatably adjustably mounted in the housing, the auger being movable by vertical motion between a first elevated position and a second lowered position in the receiving chamber by means of a control motor;

a safety shield movably mounted to said housing in a safeguard position adjacent to said auger to shield an operator from contacting the auger in said second lowered position during operation of the apparatus;

an electronic control system for controllably mixing the frozen dessert product; [[and]]

a plurality of holes in the auger, the holes being configured to project fluid from within the auger outward into the mixing chamber to clean the auger and mixing chamber after use; and

means for generating a rotation inhibition command signal when said receiving chamber is not in an upright, non-pivoted position, or said safety shield is not in said safeguard position, or said auger is not in said second lowered position, said electronic control system receiving said rotation inhibition command signal, and said electronic control system being operative to inhibit rotation of said auger in response to said rotation inhibition command signal.

Claim 7 (Original) The apparatus of claim 6, wherein the electronic control system includes a control panel, a safety interlock system, a microprocessor and an auger control system.

Claim 8 (Original) The apparatus of claim 7, wherein the microprocessor processes function commands input into the control panel with the safety interlock system commands to initiate the auger control system.

Claim 9 (Currently amended) The apparatus of claim 7, ~~wherein the safety interlock system inhibits the auger control system if the safety shield is not in said~~

~~safeguard position~~ further comprising means for generating a rotation command signal when said receiving chamber is in an upright, non-pivoted position, and said safety shield is in said safeguard position, and said auger is in said second lowered position; said electronic control system receiving said rotation command signal, and said electronic control system being enabled to initiate rotation of said auger in response to said rotation command signal.

Claim 10 (Cancelled)

Claim 11 (Original) The apparatus of claim 6, wherein the electronic control system is programmed to mix the frozen dessert ingredients for a predetermined time.

Claim 12 (Original) The apparatus of claim 6, wherein the receiving chamber comprises an opening at the upper section of the chamber, the receiving chamber further includes an operable tip that opens to dispense the frozen dessert mixture.

Claim 13 (Currently amended) A frozen dessert dispensing machine, comprising:

a housing attached to a mountable base, the base being configured to support the housing;

a receiving chamber pivotally attached to the housing;

an auger rotatably mounted in the housing, the auger being movable by vertical motion between a first elevated position and a second lowered position in the receiving chamber;

a safety shield movably mounted to said housing in a safeguard position adjacent to said auger to shield an operator from contacting the auger in said second lowered position during operation of the apparatus; [[and]]

a control system for managing control of the frozen dessert machine operating cycle, wherein the control system includes a control panel, ~~a safety interlock system,~~ a microprocessor and an auger control system; and

means for generating a rotation inhibition command signal when said receiving chamber is not in an upright, non-pivoted position, or said safety shield is not in said safeguard position, or said auger is not in said second lowered position, said control system receiving said rotation inhibition command signal, and said control system being operative to inhibit rotation of said auger in response to said rotation inhibition command signal.

Claim 14 (Original) The frozen dessert machine of claim 13, wherein the microprocessor processes function commands input into the control panel with the safety interlock system commands to initiate the auger control system.

Claim 15 (Currently amended) The frozen dessert machine of claim 13, ~~wherein the safety interlock system inhibits the auger control system if the safety shield is not in said safeguard position~~ further comprising means for generating a rotation command signal when said receiving chamber is in an upright, non-pivoted position, and said safety shield is in said safeguard position, and said auger is in said second lowered position; said control system receiving said rotation command signal, and said control

system being enabled to initiate rotation of said auger in response to said rotation command signal.

Claim 16 (Original) The frozen dessert machine of claim 13, wherein the control system controls a drive motor that rotates the auger.

Claim 17 (Original) The frozen dessert machine of claim 13, wherein the control system controls an AC stepper motor that vertically elevates and lowers the auger.

Claim 18 (Original) The frozen dessert machine of claim 13, wherein the control system is programmed to operate the drive motor for a predetermined time.

Claim 19 (Currently amended) A method for preparing a frozen dessert product, comprising:

providing a frozen dessert apparatus for automatically preparing a frozen confection, the frozen dessert apparatus including:

a housing;

a conical mixing receptacle pivotally attached to the housing, the conical mixing receptacle being configured to mix and dispense the frozen confection;

an auger rotatably mounted in the housing to enter the conical mixing receptacle and mix the confection with rotational motion, the auger being movable by vertical motion between a first elevated position and a second lowered position in the conical mixing receptacle;

a safety shield movably mounted to said housing in a safeguard position adjacent to said auger to shield an operator from contacting the auger in said second lowered position during operation of the apparatus; and

an electronic control system for controlling the vertical and rotational motion of the auger;

combining frozen dessert ingredients into said conical mixing receptacle;

~~inhibiting the rotational motion of the auger if the safety shield is not in said safeguard position, and allowing the rotational motion of the auger if the safety shield is in said safeguard position~~ generating a rotation inhibition command signal when said receiving chamber is not in an upright, non-pivoted position, or said safety shield is not in said safeguard position, or said auger is not in said second lowered position, said electronic control system receiving said rotation inhibition command signal, and said electronic control system inhibiting rotation of said auger in response to said rotation inhibition command signal;

generating a rotation command signal when said receiving chamber is in an upright, non-pivoted position, and said safety shield is in said safeguard position, and said auger is in said second lowered position; said electronic control system receiving said rotation command signal, and said electronic control system being enabled to initiate rotation of said auger in response to said rotation command signal;

mixing the ingredients with injected air, the ingredients being mixed with said auger for a predetermined time; and

dispensing the frozen dessert from the conical mixing receptacle through a dispensing outlet into a container.

Claim 20 (Original) The method of claim 19, wherein the frozen dessert ingredient includes fresh fruit.

Claim 21 (Original) The method of claim 19, wherein the frozen dessert ingredient includes frozen fruit.

Claim 22 (Original) The method of claim 19, wherein the auger is configured to emit a cleaning fluid through and out of the auger.

Claims 23-26 (Cancelled)